

**EXHIBIT C
TO DECLARATION
OF JOHN WRIGHT**

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Both of these warnings/restrictions serve to nicely highlight both a weakness and a benefit in Google's open Android platform compared to **Apple's** curated "walled garden" iOS ecosystem. On the benefit side, users have an array of choices for where and how to get their Android **apps**.

On the detriment side, those choices mean there is no single place to go to find everything, and even mainstream and legit choices like a store operated by retailing giant Amazon includes *apps* that the vast majority of users can't (or shouldn't) install, making the online market potentially dangerous, likely confusing, and, in some cases, useless.

Ma FAIL

On Amazon's "Getting Started with the Amazon **Appstore**" page, the company lists three "Download Restrictions." The first is that Android devices for ATT's network can't download or install apps from Amazon's store.

"ATT Wireless does not support the purchase of applications from the Amazon *Appstore* for Android," Amazon said.

This may sound like it's more of a suggestion than a restriction, but digging down a couple of links deeper into Amazon's site, I found different wording: "If you have an ATT phone or tablet, you currently can't install the Amazon Appstore or purchase apps from it."

Amazon said, however, that ATT is, "working to allow customers to install the Amazon Appstore and purchase apps from it," so it looks like this could change at some point. The company has also linked to what appears to be a third party website to be notified when ATT has this worked out, if you're interested.

Still, this is part and parcel to the wide open nature of the Android platform. With great freedom of choice comes some incompatibility and many more potential points of failure. Many people will gladly trade those weaknesses for the tradeoff in freedom, while many others will see the "It Just Works" nature of *Apple's* curated walled garden as offering the better experience.

Rootboy Slim

The second download restriction I found (there is also a heretofore unmentioned third restriction that the store is only offered in the U.S.) is more...ominous, for lack of a better word.

Amazon wrote, "Some apps will only work on an Android device that has root-level permissions. You should only download these apps if you are certain your device is rooted. Amazon.com does not encourage you to root your phone."

"Rooting" an Android device is similar (indeed, it's almost precisely analogous) to **jailbreaking** an **iPhone** or **iPad**. It's basically the process of breaking through software restrictions on your smartphone so that you, the user, has root access to the entire OS and your device's hardware.

This gives the user full control over their device, and it allows the user to install any kind of software they wish, to make modifications to the OS itself, and to access everything your phone has to offer (carriers, especially Verizon, have a long track record of artificially blocking off parts of the devices they sell to either limit what users can do or force them to pay for services offered by that carrier).

Of course, the downside of rooting an Android device (or *jailbreaking* your *iPhone*) is that third party software also has full access to the OS and hardware. Many of the software restrictions in place on all smartphones are there for the sake of security. Giving you root access runs the risk of giving the world root access, and that means your device could more easily be hacked and/or taken over by the bad guys.

Amawhat?

So why is Amazon selling software that requires rooting your Android device? The short answer, of course, is "because they can," but this is a very questionable position for a mainstream retailer to put itself in.

Let's start with the company's own verbiage and reexamine the last sentence of the restriction I quoted above: "Amazon.com does not encourage you to root your phone."

Amazon is selling you an **app** that requires you to do something they don't encourage you to do. That's ballsy at best, and fishy at worst. Sure, that sentence is just there as a bit of legal CYA, but it's necessary because rooting your device does carry some amount of risk for the user.

Apple to Oranges

Which brings me to my last point about the pros and cons of the open system vs. the walled garden. Rooting is necessary for some Android devices if their owners want to do utilize everything their device was equipped to do. This can be anything from being able to update the OS itself (which I find mind boggling) to being able to access a built-in GPS or other services.

Carriers have their own agenda when they sell you a device, and this is why Apple's iPhone was so incredibly disruptive. Apple took the carrier's power of setting that agenda away (and yes, they also took some power away from users, but keep reading) – there's nothing on the iPhone that can't be used** because Apple designed and built the device and controls the software, its management, the online *App* Store, and everything else.

Users are trading carrier control for Apple's control, but for the vast majority of users, Apple's interests are far more in line with the customer's interests than was ever the case with carriers. That's why most of use find so much value in the iOS walled garden.

Still, some users want to **jailbreak** their iPhones for any number of reasons (from personal control to unlocking the device for another network). They can buy apps at places like **Cydia** , which are largely aimed at knowledgeable users who have jailbroken their iOS device.

If you're shopping at *Cydia*, you already have a jailbroken device, and are fairly likely know what you've gotten yourself into. There's certainly much more of a caveat emptor feel to such online stores than at Apple's App Store.

Amawhy?

This just isn't the case if you're shopping at Amazon's Appstore for Android. I think it reasonable to say that most people shopping at a major retailer like Amazon will have an expectation that what they buy will work.

Despite the CYA clause Amazon is going to have some customers that don't understand the rooting issue, and that will lead to some unhappy customers. Worse, it will also lead to some users rooting their devices that simply shouldn't be doing so, and that will lead to compromised phones – it's only a matter of time.

Call me a Nervous Nelly (I've been called far worse), but I don't understand why Amazon would put themselves in this position.

* Really, it caught Dave Hamilton's attention, but I'm happy to claim it for my own .

** Some countries have services like GPS or WiFi on the iPhone (or on any other device, including Android) disabled due to restrictions put in place by those governments.